





COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

Paper No. 58

COATS & BENNETT, PLLC P O BOX 5 RALEIGH NC 27602

In re Application of Bengt Y. Persson, et al. Application No. 08/384,456 Filed: February 2, 1995

For: MOBILÉ ASSISTED HANDOVER

**USING CDMA** 

NOV 0 5 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition filed September 2, 2004 to withdraw holding of abandonment pursuant to 37 C.F.R.§ 1.181(a). No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed October 24, 2003. A Notice of Abandonment was mailed on August 25, 2004.

Petitioner asserts that a proper response was timely filed on January 26, 2004. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on January 26, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition along with the petition for three months extension of time. From there, the file will be forwarded to the examiner for further examination in due course.

Dwayne Bost

Special Program Examiner Technology Center 2600

Communications